

the State the foundations of present development here, so it seems to me that the tribute and honor paid to past Texas history should at least include that great and wonderful portion of such history that has been written in the western portion of our State.

Your good friend,

GEO. W. DUPREE.

GWD:H

#### Committee Reports.

Committee Room,  
Austin, Texas, Oct. 24, 1934.  
Hon. Edgar E. Witt, President of the Senate:

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 7, A bill to be entitled "An Act amending Article 5449, 1925 Civil Statutes, so as to provide that when any abstract or judgment has been recorded and indexed, as provided in Article 5448, 1925 Civil Statutes, it shall, from the date of such record and index, operate as a lien upon all of the real estate of the defendant situated in the county where such record and index are made and upon all real estate which defendant may thereafter acquire, situated in said county during the life of the judgment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOODWARD, Chairman.

By Rawlings.

S. B. No. 7.

#### A BILL

#### To Be Entitled

An Act amending Article 5449, 1925 Civil Statutes, so as to provide that when any abstract of judgment has been recorded and indexed, as provided in Article 5448, 1925 Civil Statutes, it shall, from the date of such record and index, operate as a lien upon all of the real estate of the defendant situated in the county where such record and index are made and upon all real estate which defendant may thereafter acquire, situated in said county during the life of the judgment, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5449 of the Revised Civil Statutes of the State of Texas, 1925 revision, be amended so as to read as follows:

Article 5449. When any judgment has been so recorded and indexed, it shall, from the date of such record and index, operate as a lien upon all of the real estate of the defendant situated in the county where such record and index are made, and upon all real estate which the defendant may thereafter acquire, situated in said county. Said lien shall continue during the life of said judgment.

Sec. 2. The fact that under amended Articles 2451 and 3773, 1925 Civil Statutes, a judgment creditor has ten (10) years from and after the date of judgment within which to have execution issued thereon, and the fact that under present Article 5449 a judgment lien shall cease to exist if the plaintiff fails to have execution issued on his judgment within twelve (12) months after the rendition thereof, which statute if left unamended would cause unnecessary and useless expense to litigants, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and this act shall take effect and be in force from and after its final passage, and it is so enacted.

#### TWELFTH DAY.

Senate Chamber,  
Austin, Texas,  
October 29, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll disclosed a quorum, the following Senators being present:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Absent—Excused.**

Cousins. Greer.  
Fellbaum. Regan.

Prayer by the Chaplain.

On motion of Senator Poage, the reading of the Journal was dispensed with.

**Committee Reports.**

(See Appendix.)

**Senators Excused.**

Senators Regan and Greer were excused on account of important business on motion of Senator Murphy.

Senator Cousins was excused on account of illness in his family on motion of Senator Patton.

**Bill Signed.**

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 1.

**At Ease.**

The Senate at 10:10 o'clock a. m., stood at ease until 10:30 a. m.

**Conference Report on H. B. No. 7.**

The Chair laid before the Senate the conference report on H. B. No. 7 which had been set for special order today after the morning call.

Pending.

**S. C. R. No. 4.**

Senator Rawlings asked unanimous consent to take up S. C. R. No. 4.

Consent was granted.

"Whereas, There is not now within a reasonable distance of the Capitol an eating establishment adequately operated to take care of the needs of the Members of the Legislature and other employees of the State Government; and,

"Whereas, There exists a very definite need for a coffee shop within the Capitol Building for the convenience of such Members of the Legislature and other governmental employees; now, therefore, be it

"Resolved, by the Senate of Texas, the House of Representatives concurring, That the State Board of Con-

trol be instructed to select and set aside a suitable location and install or cause to be installed either in the basement of the Capitol Building or elsewhere, such coffee shop, and that said coffee shop be either leased to a private interest for operation or that it be operated by the State for the benefit of the State, and that the cost of installation of the same be paid out of the contingent fund of the Legislature; and, be it further

"Resolved, That the said coffee shop be prepared and got in readiness for opening not later than the convening of the Regular Session of the Forty-fourth Legislature, which meets on January 8, 1935; be it further

"Resolved, That the Secretary of the Senate be and is hereby instructed to present a copy of this resolution to the Board of Control with the request that it be given immediate attention."

Senator Poage sent up the following amendment to S. C. R. No. 4:

Amend S. C. R. No. 4 by striking out the words "either in the basement of the Capitol Building or elsewhere" and insert in lieu thereof the following: "in the Old Land Office Building."

POAGE.

Senator Purl sent up the following substitute for S. C. R. No. 4:

Whereas, It is the opinion, after careful investigation and study on the part of the members of the House of Representatives and the Senate of Texas, that it is necessary for the convenience and comfort of the State employees and State officials that there be installed and operated a restaurant of the first class in the State Capitol Building at Austin.

Whereas, Common sense as well as careful regard for the health of the patrons should dictate the policy of locating this establishment, and the operation of same, in this, the people's building. Therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the Speaker of the House, the Lieutenant Governor, the Governor, the Chairman of the Board of Control, and the State Health Officer be and are hereby authorized to act for the House and the Senate in designating a suitable place in the basement

of the State Capitol to house the aforementioned restaurant. Be it further

Resolved, That after the Speaker of the House, the Lieutenant Governor, the Governor, the Chairman of the Board of Control, and the State Health Officer have decided by a majority vote the exact location and the amount of space in the basement to be appropriated for this use, they shall notify the Board of Control in writing their findings, whereupon the Board of Control shall, within sixty days, cause to be advertised (in the same manner now provided by law for usual State awards) for sealed proposals for the leasing of the Capitol Restaurant for a period of five years, beginning January 1st, 1935, at a stated price per annum, payable quarterly in advance.

Provided further, That all bidders must have at least five years' practical experience in conducting and managing a restaurant and,

Provided further, That a certified check, payable to the State of Texas, in the sum of five per cent of the total rental for five years must accompany each proposal, as evidence of good faith that bidder will sign lease, after awarded. (Check of bidder to whom award is made will be forfeited if bidder fails to sign lease and furnish satisfactory bond).

Provided further, That lessee be required to furnish a surety bond of a surety company, authorized to do business in the State of Texas, in the sum of fifty per cent of a total rental for five years, within ten days of notice of award of lease, to guarantee the faithful performance of terms and covenants of same.

Provided further, That lessee be required to maintain restaurant upon a high standard of quality, both as to character of foods furnished and drinks served—and the sanitary condition of the premises, and shall be subject to the regulations of the State Department of Health for sanitary conditions.

Provided further, That the lessee be required to furnish ice and pay for gas in connection with a gas range; the State will furnish all other heat, light, and power of the following equipment which will be kept in full repair by the lessee, and that said lease be drawn by the Attorney General to read substantially

like the lease used by the State of New York which reads as follows, with necessary changes made to conform to Texas laws:

#### PURL.

#### Specifications for Lease of Capitol Restaurant.

Albany, N. Y., Nov. 25, 1925.

Sealed proposals will be received by John J. McNulty, Superintendent of the Bureau of Public Buildings, Department of Public Works, Room 139, State Capitol, Albany, N. Y., until 2:00 o'clock p. m., on December 4, 1925, when they will be publicly opened and read, for the leasing of the Capitol Restaurant for a period of five years, beginning January 1, 1926, at a stated price per annum, payable quarterly in advance.

All bidders must have at least five years practical experience in conducting or managing restaurants.

Certified check, payable to the State of New York, in the sum of five (5) per cent, of the total rental for five years must accompany each proposal, as evidence of good faith that bidder will lease, if awarded. (Check of bidder to whom award is made will be forfeited if bidder fails to sign lease and furnish satisfactory bond.)

Lessee will be required to furnish a surety bond of a surety company authorized to do business in the State of New York in the sum of fifty (50) per cent. of the total rental for five years, within ten (10) days of notice of award of lease to guarantee the faithful performance of terms and covenants of same.

Lessee will be required to maintain the restaurant upon the highest standard of quality, both as to the character of the food furnished and the sanitary condition of the premises, and shall be subject to the regulations of the State Department of Health for sanitary conditions.

The lessee will be required to furnish ice and to pay for gas used in connection with gas range; the State will furnish all other heat, light and power and the following equipment which will be kept in full repair by the lessee:

Sinks. One (1) 22-inch by 36-inch sink; one (1) 24-inch by 60-inch two-compartment scullery sink.

Gas Ranges. One (1) battery of gas ranges, complete, comprising three fires, three ovens, salamander,

high shelves and spreader plates, the range measuring approximately 12 feet long.

Steam Vegetable Cooker. One (1) three unit steam vegetable cooker, each measuring approximately 30 inches by 24 inches deep by 12 inches high, and provided with two perforated tin vegetable dishes.

Dish Washer. One (1) electrically operated automatic dish washing machine, with all steam, water, waste and electric connections and provided with soiled and clean dish tables, dish racks, etc.

Steam Carving Table. One (1) steam carving table, complete with steam connections and provided with wood carving shelf; three porcelain meat dishes with copper covers; two porcelain gravy dishes with covers and eight vegetable dishes with covers. Lower portions of table to be a warming closet with perforated shelves and sliding doors. Table measures approximately 24 inches wide by 84 inches long.

Cook's Table. One (1) cook's table with steel top and lower shelf and pan rack over; table measures approximately 36 inches wide by 96 inches long.

Coffee Urns. One (1) set of three urns, two coffee urns of eight gallons capacity each, and one water urn of sixteen gallons capacity, all heated by steam coils. Urns are mounted on cup warming stand, equipped with steam coils and provided with shelves and doors.

Cream and Milk Cooler. One (1) cream and milk cooler with crushed ice packing chamber containing three five gallon porcelain enameled jars with covers, and equipped with milk pump.

Water Cooler. One (1) water cooler with crushed ice chamber fitted with coils for drinking water, equipped with two automatic self-closing faucets, shelves for glasses, etc., complete with water and waste connections.

Display Counter. One (1) display counter with white glass top surmounted by clear plate glass display and service counter. Counter is approximately 26 feet in length.

Tables. Thirty-three (33) birch mahogany dining tables, complete, with white glass tops, size as follows: Fourteen tables, 30-inch by 30-inch; twelve tables, 30-inch by 48-inch; four tables, 30-inch by 72-inch; two

tables, 20-inch by 48-inch, and one table, 20-inch by 60-inch.

Chairs. One hundred and thirty (130) birch mahogany finished, bentwood design, veneered seat chairs.

Miscellaneous. One (1) gas grid-dle and galvanized top table. One (1) cashier's desk, with one inch vitrolite top. One (1) table for gas meter.

All other equipment, culinary utensils, linen and furnishing, other than that listed in the foregoing, shall be furnished by the lessee and is to remain his property.

The lessee will be required, at all times, to employ a sufficient number of competent attendants to properly conduct said restaurant. Any attendant in the employ of the lessee whom the Superintendent of Public Buildings deems incompetent or unfit shall, at his direction, be immediately dismissed by the lessee.

The State reserves the right to terminate the lease by written notice to the lessee at the end of any quarter for which the rent shall have been paid, and such right may be exercised in case the lessee fails to comply with any reasonable direction or regulation of the Superintendent of Public Buildings in relation to the service or management of such restaurant.

#### Proposal for Lease of Capitol Restaurant.

This proposal is open for acceptance for ten (10) days from date advertised for receiving bids.

Note.—Bids will be received by John J. McNulty, Superintendent of Bureau of Public Buildings, Department of Public Works, Room 139, Capitol, Albany, N. Y., until 2:00 o'clock p. m., on Friday, December 4, 1925. Bidders must have at least five years practical experience in conducting or managing restaurants.

\_\_\_\_\_, 1925.

Hon. John J. McNulty, Superintendent, Bureau of Public Buildings, Department of Public Works, Room 139, State Capitol, Albany, N. Y.

Dear Sir:

\_\_\_\_\_ herewith propose to lease the Capitol Restaurant in the State Capitol, Albany, N. Y., for a period of five (5) years beginning January 1, 1926, in accordance with the attached specifications, for the sum of

..... dollars (\$ .....)  
per annum, payable quarterly in advance; total rent for five years being ..... dollars (\$ .....).

..... enclose herewith certified check, payable to the State of New York, in the sum of five (5) per cent. of the total rental for five years, amounting to ..... dollars (\$ .....), as evidence of good faith that ..... will sign lease, if awarded. Check of bidder to whom award is made will be forfeited if bidder fails to sign lease and furnish satisfactory bond.

..... propose to furnish bond of a surety company authorized to do business in the State of New York in the sum of fifty (50) per cent. of the total rental for five years, within ten (10) days of notice of award of lease.

.....  
.....  
.....  
Full individual name of partners

.....  
Firm name

By .....

.....  
Address

Senator Poage asked unanimous consent to withdraw his amendment to the Rawlings resolution.

Consent was granted.

The substitute by Senator Purl for S. C. R. No. 4 was adopted by viva voce vote.

Senator Poage offered the same amendment to the substitute for S. C. R. No. 4.

#### Motion to Table.

Senator Rawlings moved to table the Poage amendment.

The motion to table lost by the following vote:

#### Yeas—9.

Beck.	Rawlings.
Collie.	Sanderford.
DeBerry.	Stone.
Pace.	Woodward.
Parr.	

#### Nays—11.

Blackert.	Oneal.
Holbrook.	Patton.
Hornsby.	Poage.
Moore.	Purl.
Neal.	Woodruff.

#### Absent.

Hopkins.	Small.
Murphy.	

#### Absent—Excused.

Cousins.	Martin.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Woodul.

The Poage amendment was adopted by viva voce vote.

#### Motion to Indefinitely Postpone.

Senator Holbrook moved to indefinitely postpone the consideration of S. C. R. No. 4.

The motion prevailed by the following vote:

#### Yeas—17.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Holbrook.	Purl.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	

#### Nays—5.

Pace.	Small.
Rawlings.	Woodward.
Sanderford.	

#### Absent—Excused.

Cousins.	Martin.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Woodul.

#### Message from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor, with the following message:

#### Executive Office,

Austin, Texas, Oct. 29, 1934.

To the Forty-third Legislature in Fourth Called Session:

By request I am submitting the attached bill, being "An Act authorizing the Secretary of the Board of Legal Examiners with the approval of the Supreme Court to appoint an assistant to serve during the months of February and March, June and July, October and November, prescribing a salary for same, authoriz-

ing payment of said assistant out of the fees of office of the Clerk of the Supreme Court; repealing all laws in conflict herewith, and declaring an emergency," which bill was passed at the last special session of the legislature but through inadvertence was not signed by the officials of the State Senate.

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor.

#### Senate Bill No. 13.

Senator Sanderford sent up the following bill:

By Senator Sanderford:

S. B. No. 13, A bill to be entitled "An Act authorizing the Secretary of the Board of Legal Examiners with the approval of the Supreme Court to appoint an assistant to serve during the months of February and March, June and July, October and November, prescribing a salary for same, authorizing payment of said assistant out of the fees of office of the Clerk of the Supreme Court; repealing all laws in conflict herewith and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Senator Sanderford moved that the rule requiring bills be read on three several days be suspended and S. B. No. 13 passed to second reading by the following vote:

#### Yeas—22.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Rawlings.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodward.

#### Absent—Excused.

Cousins.	Martin.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Woodul.

The bill was read second time and passed to engrossment.

On motion of Senator Sanderford, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 13 was put on its third reading and final passage by the following vote:

#### Yeas—23.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Regan.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodward.
Pace.	

#### Absent—Excused.

Cousins.	Martin.
Fellbaum.	Redditt.
Greer.	Woodul.
Hopkins.	

Read third time and finally passed by the following vote:

#### Yeas—22.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Rawlings.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodward.

#### Absent—Excused.

Cousins.	Martin.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Woodul.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, Oct. 29, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 13, A bill to be entitled "An Act authorizing the Secretary

of the Board of Legal Examiners with the approval of the Supreme Court to appoint an assistant to serve during the months of February and March, June and July, October and November, prescribing a salary for same, authorizing payment of said assistant out of the fees of office of the Clerk of the Supreme Court; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Adjournment.

On motion of Senator Oneal, the Senate at 11:40 o'clock a. m. today adjourned until 10:00 o'clock a. m. Tuesday.

#### APPENDIX.

##### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, Oct. 25, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 1 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

##### Committee Report.

Committee Room,  
Austin, Texas, Oct. 29, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 13, A bill to be entitled "An Act authorizing the Secretary of the Board of Legal Examiners with the approval of the Supreme Court to appoint an assistant to serve during the months of February and March, June and July, October and November, prescribing a salary for same, authorizing payment of said assistant out of the fees of office of the Clerk of the Supreme Court; repealing all laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

#### THIRTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
October 30, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll called disclosed a quorum, the following senators being present:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

##### Absent—Excused.

Fellbaum.	Regan.
Greer.	

Prayer by the Chaplain.

On motion of Senator Woodward, further reading of the Journal was dispensed with.

##### Committee Reports.

(See Appendix.)

##### Senators Excused.

Senators Regan and Greer were excused on account of important business on motion of Senator Stone.

##### Conference Report on H. B. No. 7.

The Chair laid before the Senate the Conference Committee Report on H. B. No. 7.

Senator Rawlings explained the bill.

Motion to adopt conference report.

Senator Rawlings moved that the conference report be adopted.

Senator Woodul made a substitute motion not to adopt the conference report on H. B. No. 7 and that it be re-referred to the Conference Committee for further consideration.

##### Motion to Table.

Senator Rawlings moved to table the motion by Senator Woodul.